

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,  Plaintiff,  vs.  MAHAMED ABUKAR SAID,  Defendant.	0:15-CR-00145-LLP-VLD  ORDER DENYING DEFENDANT'S MOTION TO EXCLUDE TESTIMONY  [DOCKET NO. 31]
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In this case pending in the District of Minnesota, all district judges and magistrate judges in that district have recused themselves. See Docket No. 50. Thereafter, the Honorable Lawrence L. Piersol of the District of South Dakota was appointed to preside over this case. See Docket No. 51.

Prior to the District of Minnesota recusing itself, the Honorable Franklin L. Noel, United States Magistrate Judge, resolved several pending motions. See Docket No. 47. Judge Piersol, after being assigned to this case, vacated Judge Noel's order in order to avoid even the appearance of impropriety and has asked this magistrate judge to rule anew on the pending motions previously resolved by Judge Noel. See Docket Nos. 54, 55.

Docket No. 31 is a motion by defendant Mahamed Abukar Said to exclude at trial the testimony of United States Attorney Andrew Luger (for the District of Minnesota) or, in the alternative, for all judges in the District of Minnesota to recuse themselves. Although Judge Noel denied the motion,

subsequently the Chief Judge of the District of Minnesota entered an order recusing all judges of the district from this case. Accordingly, it is hereby

ORDERED that Mr. Said's motion to exclude the testimony of Mr. Luger is denied because that relief was requested in the alternative and Mr. Said's alternative remedy (recusal) was granted. If Mr. Said has further grounds to seek to limit or exclude the testimony of Mr. Luger at trial, he may file a motion *in limine* in accordance with Judge Piersol's scheduling order.

DATED this 25th day of August, 2015.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Veronica L. Duffy", written in dark ink.

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VERONICA L. DUFFY  
United States Magistrate Judge